

CHAPTER 121. MONITOR A FEDERAL AVIATION REGULATIONS PART 137 CONGESTED AREA OPERATION

SECTION 1. BACKGROUND

1. PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODE: 1623

3. OBJECTIVE. The objective of this task is to ensure that an agricultural aircraft operator conducts a congested area operation according to an Federal Aviation Administration (FAA)-approved plan. Successful completion of this task results in an indication of satisfactory or unsatisfactory in the operator's district office file.

5. GENERAL. Refer to section 1 of volume 2, chapter 120, Evaluate a FAR Part 137 Operator Con-

gested Area Plan, for background information. Before observing any congested area operation, the inspector shall review the operator's approved congested area plan and Federal Aviation Regulations (FAR) § 137.51. This provides the inspector with insight as to what the operator intends to do and the emergency precautions that have been established. The operator must follow this plan without exception. The operator must also be able to provide the inspector with information that confirms or verifies that appropriate notification to the public has been given.

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SECTION 2. PROCEDURES

1. PREREQUISITES AND COORDINATION REQUIREMENTS.

A. Prerequisites. This task requires knowledge of the regulatory requirements of Federal Aviation Administration (FAR) Part 137 and Federal Aviation Administration (FAA) policies and qualification as an aviation safety inspector (ASI) (operations).

B. Coordination. This task may require coordination with the airworthiness unit, air traffic control, and the operator's certificate-holding district office (CHDO), if the operation is taking place in a different jurisdiction.

3. REFERENCES, FORMS, AND JOB AIDS.

A. References.

- FAR Parts 1, 61, and 91
- Operator's approved congested area plan

B. Forms.

- FAA Form 8000-36, Program Tracking and Reporting Subsystem Data Sheet

C. Job Aids.

- Operator's approved congested area plan.
- Sample letters and figures.

5. PROCEDURES.

A. Plan Review. Review operator's approved congested area operation plan.

(1) Ensure that it has been FAA approved.

(a) Each page of the plan should be stamped, "FAA Approved."

(b) Each page of the plan should also be stamped with the date of approval and signed by the principal operations inspector.

(2) Coordinate with the inspector who approved the plan to discuss any special considerations, problem areas, operator history, etc.

B. Program Tracking and Reporting Subsystem (PTRS). Open PTRS file.

C. Additional Coordination. Coordinate as necessary with the airworthiness unit, the operator, or any local officials.

(1) If appropriate, arrange for an airworthiness inspector to monitor the operation also.

(2) Verify that the operator has, indeed, coordinated with the appropriate local authorities. (See volume 2, chapter 120, Evaluate a Congested Area Plan.) The applicant must have provided names, titles, and telephone numbers in the approved plan.

(3) Make any necessary arrangements with the operator or local authorities to meet some time before the operation begins to review the sequence of events.

D. Document Review.

(1) Inspect pilot and medical certificates of pilots involved in the operation.

(a) Pilots must have at least a commercial certificate.

(b) Pilots must have at least a second class medical.

(c) Pilots must have 25 hours pilot-in-command (PIC) in make and model, with 10 hours in the last 12 months.

(d) Pilots must have 100 hours PIC in agricultural aircraft operations.

(2) Inspect the airworthiness certificate and aircraft registration, if available.

(3) Determine that the certificate facsimile is on board the aircraft.

(4) Determine that flight crewmembers and ground personnel understand their duties and responsibilities, as indicated in the approved plan.

E. Safety Considerations. Before the operation begins, review with the operator the approved plan's safety considerations, including measures for terminating the operation in the event of an emergency or at the inspector's discretion. The means for terminating the operation should have been established in the approved plan.

F. Observe the Actual Operation. Use the approved congested area plan as a job aid to determine that the operator is in compliance.

(1) If the operation is in compliance, write "Operation Satisfactory" on the approved congested area plan.

(2) If the operation is not in compliance, note the areas of noncompliance to use in debriefing the operator or in any contemplated enforcement investigation.

G. Debrief the Operator. Discuss the positive aspects of the operation and any problems or areas of concern. If the operation was unsatisfactory, advise the operator that an enforcement investigation may be pending.

H. Operation Unsatisfactory. If operation was not in compliance with the approved plan but safety was not derogated, send the operator a letter listing the areas of noncompliance with recommendations that would ensure future compliance (figure 121-1). Place a copy of this letter in the operator's file. If safety was derogated, initiate enforcement action. (See volume 2, chapter 182, Conduct a Violation Investigation.)

I. Operation Satisfactory. If the operation was in compliance, return plan to the district office file on the operator.

J. PTRS. Make the appropriate PTRS entry.

K. Coordination with CHDO. If the operation was conducted outside the operator's CHDO, send a copy of the congested area plan and any other documentation to that office. If an enforcement investigation is begun, keep the CHDO up-to-date on the investigation's progress.

7. TASK OUTCOMES. Completion of this task results in either:

A. An indication in the district office file of a satisfactory congested area operation.

B. An indication in the district office file of an unsatisfactory congested area operation.

9. FUTURE ACTIVITIES.

A. Note any safety considerations which may be necessary in future congested area plan approvals at this location or for this operator.

B. Possible enforcement action if the operator did not comply with the approved congested area plan.

FIGURE 121-1
LETTER TO OPERATOR INDICATING ITEMS OF UNSATISFACTORY CONGESTED AREA OPERATIONS AND
METHODS OF IMPROVEMENT.

FAA Letterhead

[*date*]

[*operator's name and address*]

Dear [*operator*]:

This letter is to inform you of certain areas of operation observed on [*date*] at [*location*] that were not in compliance with the approved congested area plan required by Federal Aviation Regulations Part 137.

During application operations, a wind shift occurred that caused turbulence and eddies near buildings that interrupted the equal coverage of the agent being dispensed. This wind shift may have caused unwarranted drifting of spray onto adjacent [*wildlife*], [*crops*], [*water, etc.*].

It is recommended that in future congested area operations, a means of warning of wind shifts be considered, such as smoke pots, radio communication with surface observers or closer attention to indications such as leaf movement on nearby trees and wave activity on nearby ponds.

No enforcement action is contemplated, and I hope this information is helpful.

Sincerely,

[*principal operations inspector's signature*]

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